

View Document - 20-CV-1192 -

Pages: 7

Filed: 9/28/2020 4:22 PM

JOHN D. KINARD - District Clerk

Galveston County, Texas

Envelope No. 46642876

By: Shailja Dixit

9/28/2020 4:26 PM

Cause No.: 20CV1192

In the 10th District Court
GALVESTON CountyPlaintiff:
SRK HOLDINGS INCDefendant:
AMERICAN COMMERCIAL BARGE
LINES ET AL**Officer's Return**

Came to hand September 10, 2020 at 8:24 A.M. and executed in Travis County, Texas, on September 11, 2020 at 11:28 A.M. by delivering to AMERICAN COMMERCIAL BARGE LINES by delivering to Carlos Cascos, Secretary of State, of the State of Texas, at 1019 Brazos Street, Austin, Texas, 78701, by delivering to MICHELLE ROBINSON designated agent for service for the Secretary of State, duplicate true copies of the citation together with accompanying duplicate true copies of the Plaintiff's ORIGINAL petition-OCA.

Carlos B. Lopez,
Travis County Constable Precinct 5
Travis County, Texas

by: 

Brent Schultz, Deputy

CITATION

THE STATE OF TEXAS

SRK HOLDINGS, INC. VS. AMERICAN COMMERCIAL BARGE LINES, ET AL

Cause No.: 20-CV-1192

10th District Court of Galveston County

TO: American Commercial Barge Lines, Upon Whom Process Of Service May Be Had By Serving: The Secretary of the State of Texas, James Earl Rudder Office Building, 1019 Brazos, Austin, Texas 78701, Who Shall Then Forward a Copy to: American Commercial Barge Lines, 1701 E Market Street, Jeffersonville, IN 47130

GREETINGS: YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days from the date you were served this citation and petition/motion, a default judgment may be taken against you.

Said written answer may be filed by mailing same to: District Clerk's Office, 600 59th Street, Suite 4001, Galveston, Texas 77551-2388. The case is presently pending before the 10th District Court of Galveston County sitting in Galveston, Texas, and the Original Petition - OCA was filed September 03, 2020. It bears cause number 20-CV-1192 and see the attached petition/motion for named parties to the suit.

Issued and given under my hand and the seal of said court at Galveston, Texas, on this the 3rd day of September, 2020.

Issued at the request of:
George D Martin
Martin Garza Fisher LLP
1100 Rosenberg
Galveston TX 77550



John D. Kinard, District Clerk
Galveston County, Texas

Robin Gerhardt

By Robin Gerhardt, Deputy

The District Courts of Galveston County, Texas Status Conference Notice
Please calendar this event

All Status Conferences will be set for Thursdays (subject to exceptions for county holidays)

Court Name	Status Conference Time	Court Phone Number		
10 th District Court	@ 9:00 A.M.	409-766-2230	Fax	409-770-5266
56 th District Court	@ 9:30 A.M.	409-766-2226	Fax	409-770-5264
122 nd District Court	@ 9:30 A.M.	409-766-2275	Fax	409-770-6265
212 th District Court	@ 9:00 A.M.	409-766-2266	Fax	409-765-2610
405 th District Court	@ 10:00 A.M.	409-765-2688	Fax	409-765-2689

Date :12/03/2020 set in the 10th District Court - Judge Kerry Neves

FILED
CLERK OF DISTRICT COURT
GALVESTON COUNTY, TEXAS
SEP 10 2020

pd \$80.00 #3718

Pages: 7

Back

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The State of Texas



Service of Process
P.O. Box 12079
Austin, Texas 78711-2079

Phone: 512-463-5560
Fax: 512-463-0873
Dial 7-1-1 For Relay Services
www.sos.texas.gov

Ruth R. Hughs
Secretary of State

September 17, 2020

American Commercial Barge Lines
1701 E Market Street
Jeffersonville, IN 47130

2021-320713-1

Include reference number
in all correspondence

RE: SRK Holdings, Inc vs American Commercial Barge Lines, Et Al
10th Judicial District Court of Galveston County, Texas
Cause No. 20CV1192

Dear Sir/Madam,

Pursuant to the Laws of Texas, we forward herewith by CERTIFIED MAIL, return receipt requested, a copy of the process received by the Secretary of State of the State of Texas on September 11, 2020.

CERTIFIED MAIL #71901046470101221534

Refer correspondence to:

George D. Martin
Martin, Garza & Fisher, L.L.P.
1100 Rosenberg
Galveston, TX 77550

Sincerely,

Service of Process
Government Filings
512-463-1662
GF/mo
Enclosure



CITATION

THE STATE OF TEXAS

SRK HOLDINGS, INC. VS. AMERICAN COMMERCIAL BARGE LINES, ET AL

Cause No.: 20-CV-1192

10th District Court of Galveston County

TO: American Commercial Barge Lines, Upon Whom Process Of Service May Be Had By Serving: The Secretary of the State of Texas, James Earl Rudder Office Building, 1019 Brazos, Austin, Texas 78701, Who Shall Then Forward a Copy to: American Commercial Barge Lines, 1701 E Market Street, Jeffersonville, IN 47130

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Issued and given under my hand and the seal of said court at Galveston, Texas, on this the 3rd day of September, 2020.

Issued at the request of:
George D Martin
Martin Garza Fisher LLP
1100 Rosenberg
Galveston TX 77550



John D. Kinard, District Clerk
Galveston County, Texas

Robin Gerhardt

By Robin Gerhardt, Deputy

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405 th District Court	@ 10:00 A.M.	409-765-2688	Fax	409-765-2689

Date :12/03/2020 set in the 10th District Court - Judge Kerry Neves

320713

RECEIVED
20 SEP 11 AM 11:35
SECRETARY OF STATE
AUSTIN TEXAS

RETURN OF SERVICE

Case no. 20-CV-1192

In the 10th District Court

SRK Holdings, Inc. vs. American Commercial Barge Lines, Et Al

Come to hand on _____ at _____ o'clock _____ m., and executed in _____ County, Texas by delivering to each of the within named party in person, a true copy of the CITATION with the delivery endorsed thereon, together with the accompanying copy of the Original Petition - OCA at the following times and places, to wit:

To: American Commercial Barge Lines, Upon Whom Process Of Service May Be Had By Serving: The Secretary of the State of Texas, James Earl Rudder Office Building, 1019 Brazos, Austin, Texas 78701, Who Shall Then Forward a Copy to: American Commercial Barge Lines, 1701 E Market Street, Jeffersonville, IN 47130

SERVED:

ADDRESS/LOCATION

DATE	TIME	PLACE, COURSE, AND DISTANCE FROM COURT HOUSE	MILEAGE

and NOT executed as to said above named defendant for the reasons shown below:

The diligence used in finding said within named defendant and the cause or failure to execute this process is for the following reason: _____

FEES: Serving CITATION and copy \$ _____

Mileage _____ miles @ \$ _____ per mile Total \$ _____

TOTAL FEES AND MILEAGE \$ _____

Signed on _____ day of _____, 20_____

Officer

Carlos B. Lopez
Constable Pct. 5, Travis County, Texas
Deputy /Officer Signature



COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF COURT

In accordance with rule 107 (c). The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or clerk of the court the return shall be signed under penalty of perjury and contain the following statement.

"My name is _____, my date of birth is _____
(First) (Middle) (Last)

And my address is _____
Street, City, State, Zip, County

"I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT."

Executed in _____, County, State of _____, on _____.

Declarant/Authorized Process Server Signature

ID# and expiration of certification

located at Seivers Cut and the Intercoastal Canal in Port Bolivar, Texas. Plaintiff had erected a bulkhead consisting of large granite blocks on the northern edge of their property adjoining the Intercoastal Canal

On September 7, 2018 at approximately 10:46 P.M., Defendant's TUG NOVA H. LOUIS, owned and operated by Defendant, AMERICAN COMMERCIAL BARGE LINES was east bound in the Intercoastal Canal with a tow of at least two barges. On the occasion in question, Defendant owed Plaintiff a legal duty under the General Maritime law to observe the standards of good and prudent seamanship and exercise reasonable care when navigating the Intercoastal Canal to avoid the risk of collision. The TUG NOVA H. LOUIS and her owners and crew also had a statutory duty to follow navigational rules of the road. Defendant breached these duties by failing to maintain a proper lookout, failed to navigate the Intercoastal Canal at a safe speed, failed to use all available means to avoid the risk of collision and other acts of negligence which will be shown more particularly at trial.

These acts and omissions on the part of the Defendant, its Agents, Servants and Employees caused a collision by the TUG NOVA H. LOUIS and her tow with Plaintiff's bulkheads, both the granite bulkhead and the wooden bulkhead behind the granite bulkhead, knocking thirty (30) feet of the granite blocks into the water of the Intercoastal Canal and damaging the wooden bulkhead behind the granite blocks. Additionally, a presumption of fault arises for the liability of a vessel which collides with a stationary object.

The sole cause of the collision and damages caused was the negligent navigation of the TUG NOVA H. LOUIS.

DAMAGES

5. As a result of negligence on the part of the crew of the TUG NOVA H. LOUIS own and operated by the Defendant, AMERICAN COMMERCIAL BARGE LINES, Plaintiff sustained monetary damages of Forty Thousand and No/100 Dollars (\$40,000.00), representing the cost of recovery and replacement of the granite blocks knocked into the Intercoastal Canal and for damage to the wooden bulkhead located behind the granite blocks. Approximately thirty (30) feet of Plaintiff's bulkhead was damaged in the collision.

PRAYER AND RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this Honorable Court enter judgement against Defendants for the amount of Plaintiff's claim including pre-judgement interest, post-judgement interest, Court cost and all other relief as justice and equity allow.

Respectfully submitted,

MARTIN, GARZA & FISHER, L.L.P.
(A Partnership of Professional Limited Liability Companies)

GEORGE D. MARTIN

SBN: 13064000

1100 Rosenberg

Galveston, Texas 77550

Tel: (409) 765-5705

Fax: (409) 765-7570

By: 

GEORGE D. MARTIN

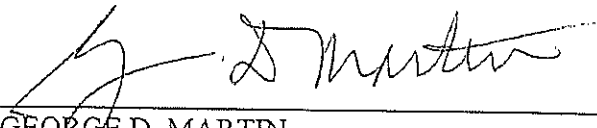
Email: gmartin1100@aol.com

Attorney for Plaintiff, SRK HOLDINGS, INC

STATE OF TEXAS §
COUNTY OF GALVESTON §

VERIFICATION

1. I am a member of the law firm Martin, Garza and Fisher, L.L. P., Counsel for Plaintiff, SRK HOLDINGS, INC.
2. The facts alleged in the foregoing Plaintiff's Original Petition are true and correct based upon my information and belief. The basis of my information and belief is the information from Plaintiff, SRK HOLDINGS, INC. and from reviewing various documents and materials provided by Plaintiff.
3. The authorized Officers of Plaintiff, SRK HOLDINGS, INC. are not readily available in this district to make verification on Plaintiffs' behalf. I am authorized to make verification on Plaintiffs' behalf.
4. To the best of my knowledge, I verify that the facts alleged in the foregoing Plaintiff's Original Petition are true and correct.



GEORGE D. MARTIN

STATE OF TEXAS §
COUNTY OF GALVESTON §

SWORN TO AND SUBSCRIBED BEFORE ME on this the 3rd day of September, 2020
by the said GEORGE D. MARTIN, in the capacity therein stated.



Notary, State of Texas

